

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 24, 2003

H026014 In re ANTHONY G.; DFCS v. THELMA G., et al.

The orders of the juvenile court are affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed November 24, 2003

TUESDAY, NOVEMBER 25, 2003

H025042 JORDAN-RITCHIE v. RITCHIE

The judgment is affirmed. Costs to respondent. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)

Filed November 25, 2003

H025914 GRIFFITH, et al. v. COUNTY OF SANTA CRUZ, et al.

The judgment in favor of County is affirmed. The order denying Griffith's motion for attorney fees is affirmed. The judgment in favor of City and Knutson is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 25, 2003

H024329 REHON & ROBERTS v. MAHL

The order denying the motion to vacate the judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed November 25, 2003

H025319 WARFEL v. EWBANK

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed November 25, 2003

H025355 PEOPLE v. TRAN, et al.

By the Court:

Upon the court's own motion, the submission order in the above-entitled cause dated October 15, 2003, is hereby vacated. The matter will be placed on calendar for oral argument on the court's January 2004 calendar, counsel to be advised of the date and time. The cause will be resubmitted upon the completion of oral argument.

Dated: November 25, 2003 Bamattre-Manoukian, Acting P.J.

Sixth Appellate District

San Jose, California

Tuesday, November 25, 2003 (Continued)

H025406 PEOPLE v. SUPERIOR COURT (ANDRADES)

H025428 PEOPLE v. SUPERIOR COURT (ANDRADES)

H025513 PEOPLE v. SUPERIOR COURT (BEAVERS)

H025569 PEOPLE v. SUPERIOR COURT (FISHER)

Case No. H025406 (*Andrades*): The petition for writ of mandate is denied as moot in light of our issuance of a peremptory writ of mandate in case no. H025428 (*Andrades*).

Case No. H025428 (*Andrades*): Let a peremptory writ of mandate issue, commanding respondent court to (1) vacate its order dismissing the Three Strike law allegation that defendant suffered a prior juvenile adjudication for robbery, (2) enter a new and different order finding that a prior juvenile adjudication for robbery does qualify as a strike under section 667, subdivision (d)(3) if the current offense was committed after March 7, 2000, (3) hold a new hearing on the strike allegation, (4) vacate its sentencing order, and (5) hold a new sentencing hearing.

Case No. H025513 (*Beavers*): Let a peremptory writ of mandate issue, commanding respondent court to (1) vacate its order dismissing the Three Strike law allegation that defendant suffered a prior juvenile adjudication for robbery, (2) enter a new and different order finding that a prior juvenile adjudication for robbery does qualify as a strike under section 667, subdivision (d)(3) if the current offense was committed after March 7, 2000, (3) hold a new hearing on the strike allegation, (4) vacate its sentencing order, and (5) hold a new sentencing hearing.

Case No. H025569 (*Fisher*): Let a peremptory writ of mandate issue, commanding respondent court to (1) vacate its order dismissing the Three Strike law allegation that defendant suffered a prior juvenile adjudication for robbery, (2) enter a new and different order finding that a prior juvenile adjudication for robbery does qualify as a strike under section 667, subdivision (d)(3) if the current offense was committed after March 7, 2000, (3) hold a new hearing on the strike allegation, (4) vacate its sentencing order, and (5) hold a new sentencing hearing. (published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed November 25, 2003

Sixth Appellate District

San Jose, California

Tuesday, November 25, 2003 (Continued)

H024902 In re PINON-ORTIZ on Habeas Corpus

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; I concur: Elia, J. Dissenting opinion by  
Bamattre-Manoukian, J.)  
Filed November 25, 2003

H025177 PEOPLE v. HAMEL

The judgment is reversed and the matter remanded for the  
limited purpose of allowing the defendant to withdraw his  
admission of the prior battery conviction if he so chooses. If  
defendant elects to withdraw his admission, a limited new trial  
shall be conducted on the issue whether defendant suffered the  
prior battery conviction within the meaning of sections 667,  
subdivisions (b) to (i), and 1170.12 as alleged. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed November 25, 2003

WEDNESDAY, NOVEMBER 26, 2003

H024230 PEOPLE v. TAUFA

The judgment is affirmed. (not published)  
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)  
Filed November 26, 2003

H024947 ESTATE OF DINIZ

H025155 ESTATE OF DINIZ

The orders of June 25, 2002 and October 4, 2002 are  
affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed November 26, 2003